

MEDICAL BOARD OF CALIFORNIA
FINAL STATEMENT OF REASONS

Hearing Date: February 2, 2007

(1) Section(s) Affected: Title 16, Sections 1315.03, 1325.4, and 1326.

- Adopt Section 1315.03
- Amend Section 1325.4
- Adopt Section 1326

Updated Information

The information contained therein is updated as follows:

Minor language changes were made to Section 1325.4, a notice of modified text was issued on February 27, 2007, and was adopted on March 15, 2007. The changes were for clarification and to reflect the terms used within the medical education community.

The three modifications were:

- The original proposed language stated that that there should be a “statement from the chairperson of the department where the applicant will be supervised...” The language was modified to state that the statement should come from the chairperson of the department **or division**.
- The original proposed language stated that the supervising physician should be a faculty member, but not classified as a clinical volunteer faculty or adjunct faculty. The term “adjunct faculty” was deleted in the modified language, as that term is not used by the Medical Schools in the context for which it was intended.
- The original proposed language required that the supervising physician be on the staff of the medical school’s medical center. To clarify, the modified text states that the physician must be on the **medical** staff of the medical center.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

This proposed action has no impact on small business.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Objections or Recommendations/Responses

_____ There were no objections or recommendations regarding the proposed action.

 x The following recommendations and/or objections were made regarding the proposed action:

The Board received only one written comment, which was read into the record at the public hearing. Jeffrey Hall, from the office of the Vice President of Health Affairs from the University of California made the following recommendations:

1. 1325.4(a): Relating to the language, he suggested that “which” be changed to “that” for grammatical reasons.

Rejected: The suggestion that “which” be changed with “that” for grammatical reasons was rejected as unnecessary.

2. 1325.4(a): Relating to the applications, he suggested that we not only require the name of the applicant, but all names or **aliases** used.

Rejected: The suggestion was rejected, as applicants must use their legal name on all documents, and must match the name on their work or entry visas. The proposed regulation asked for *all* names used, in case of a legal name change or change of name due to marriage.

3. 1325.4(a)(4): Relating to the statement required by the Supervising Physician, the original proposed language stated that the supervising physician should be a chairperson of a department. He suggested that it should be modified to include **“or division.”**

Accepted: “or division” was added to the language, as suggested.

4. 1325.4(a)(4): Relating to the requirements for supervising physician, he suggested that “adjunct faculty” be deleted, as it is a term that does not mean voluntary, unsalaried staff, as intended in the original proposed language.

Accepted: “adjunct faculty” was deleted, as suggested.

5. 1325.4(a)(4): Relating to the requirement of the supervising physician to be on the staff of the medical school’s medical center, he suggested that it state that the physician must be on the medical staff of the medical center.

Accepted: “medical” was added, as suggested.

6. 1325.4(a)(6)(d): Relating to appeal from termination, he suggested that “from Termination” be deleted, so that it would expand the scope of due process to include the complete range of disciplinary actions subject to appeal.

Rejected: The suggestion that “termination” be deleted from the section relating to appeals was rejected, as the Medical Board only has jurisdiction over the appeal of termination of their license exemption status, nothing more. Disciplinary action by the institution or others is not under the jurisdiction of the Board.

 x There were no comments concerning the modified proposal.

Finding of Necessity

This proposed regulation would not require licensees to submit a report.